

**FILED**

OCT - 6 2016

Clerk, U.S. District Court  
District Of Montana  
Billings

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

CR 09-132-BLG-SPW-01

Plaintiff,

vs.

ORDER

JAMES JOSEPH SMITH,

Defendant.

On August 25, 2016, Defendant Smith filed a motion seeking early termination of his eight-year term of supervised release. (Doc. 67). Smith began his eight-year term of supervision in 2014. Smith argues he has held a steady job, paid child support, and complied with all the conditions of supervision.

The Court may, after considering the factors set forth in 18 U.S.C. § 3553(a), terminate a term of supervised release if the Court is satisfied that “such action is warranted by the conduct of the defendant released and the interest of justice.” 18 U.S.C. § 3583(e)(1). “The language of § 3583(e) gives district courts broad discretion in determining whether to grant a motion to terminate supervised release.” *U.S. v. Emmett*, 749 F.3d 817, 819 (9th Cir. 2014).

When Smith was sentenced, the Court stated “the only times in defendant’s life that he has been law abiding is while he has been in custody.” (Doc. 56). The Court further stated “the defendant has a long criminal history which includes

drugs, violence, federal gun charges, etc.; the defendant has no respect for the law.” (Doc. 56). The United States Probation Office advises that Smith has incurred several violations since his release in 2014, including twice traveling out of state without permission, lying to his probation officer, associating with another felon, failing to report to his probation officer that he had been pulled over by law enforcement, and responding to a probation officer’s home visit with volatile behavior. Considering the § 3553(a) factors, the above conduct does not warrant termination of an eight-year term after only two years.

Accordingly, IT IS HEREBY ORDERED that Smith’s motion for early termination of supervised release (Doc. 67) is DENIED.

DATED this 4<sup>th</sup> day of October, 2016.

  
\_\_\_\_\_  
Susan P. Watters  
United States District Court